

A letter addressed to  
Charles King, Esq., LL.D.,  
in answer to his defense  
of Bishop Doane.

by

A lay member of the  
Diocesan Convention of N.-J.

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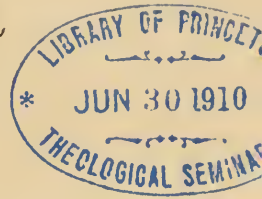
PRINCETON, N. J.

Presented by A. G. Cameron

*Division* BX5960

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**A LETTER**



ADDRESSED TO

**CHARLES KING, ESQ., LL. D.,**

PRESIDENT OF COLUMBIA COLLEGE, NEW-YORK,

IN ANSWER TO HIS DEFENSE OF

**BISHOP DOANE.**

BY A LAY MEMBER OF THE DIOCESAN CONVENTION  
OF NEW-JERSEY.

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PRINTED FOR THE PUBLISHER.

1852.

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NOTE.

In justice to the writer of the following, the Publisher feels bound to add, that, owing to the temporary loss of a portion of the manuscript, before it came into his possession, its publication has been unavoidably delayed.

APRIL 8th, 1852.





To Charles King, Esq., LL. D.,

*President of Columbia College, New-York :*

SIR—In common with many other of your friends, I have read with equal astonishment and regret, your late publication in defense of Bishop Doane—astonishment, at your rash interference in a controversy in which you have no personal concern—and regret, that you should have lent your name to uphold a cause maintained by the Bishop, with so much passion, and virulent resentment against those who have opposed him. Those of us, who have observed the chivalrous propensities of your nature, make due allowance for your zealous, and perhaps not unsolicited, interposition in behalf of one whom you regard as a friend, and sympathize with as injured. But not the most partial to you among us, can excuse your intemperate assault upon those of his order, who in pursuance of their duty have sought to promote inquiry into certain of his transactions, the very rumor of which has brought scandal upon the Church of which he is a Chief Minister, and which, if truly reported, prove him unworthy of his high and holy office.

And on what grounds do you justify your favorite, and denounce the “intervention of his brethren?” As to the first, you rely upon a “unanimous vote” of the Convention of his Diocese in 1849, “rejecting a resolution asking an investigation of rumors charging him with crime.” Under the circumstances of the case, this is worse, sir, than pleading *autrefois acquit*, as the lawyers call it, instead of non-guilty, or taking refuge in a technicality, instead of facing the merits of the cause; for not only was no *charge* preferred on that occasion, but *inquiry* even as to the existence of a foundation for any, was refused. And upon what ground? Your own published report of the proceedings of that Convention, of which you were a member, shows that the resolution in

question was rejected only because the supposed offenses of the Bishop rested "upon vague rumors, and what was called *newspaper publications*." Well, sir, is not public rumor a canonical ground for inquiry? It is indeed possible that you, a layman, may not have known—or, in your off-hand and impulsive inroad upon the subject may have forgotten it; but it is hardly to be presumed that the lawmen, Messrs, Dayton, Ogden and Gifford, or the clergymen, the Rev. Messrs. Ogilby and Phillips, who supported your position, were not aware that it was untenable; nor is it to be supposed that they were ignorant either of the general rule of criminal jurisprudence or the existence of the canon [see Canons of 1832—can. 37, sec. 2] of the Church expressly recognizing public rumor as ground for inquiry.

But I am afraid, sir, that you cannot safely plead ignorance in this matter; though that supposition is not easily reconcilable with your native candor and ingenuousness; for in the debate which followed, you "urged, with great earnestness, the injustice and enormity of putting any man *upon his defense*, and least of all, *such a man as Bishop Doane*, upon vague rumors and newspaper publications." As I have already shown that public rumor—which must always be "vague"—is sufficient for inquiry, and have not pretended that it afforded ground for charge, or "arraignment," as you have it; and as the resolution offered in 1849 proposed nothing beyond inquiry, I shall merely observe, that I am not apprized of any claim on the part of Bishop Doane to perfection, nor, as yet, to infallibility; nor, since benefit of clergy has been abolished, am I aware of any privilege or dispensation enjoyed by Bishop Doane, or any other Bishop, exempting him from the operation of general laws, ecclesiastical or civil, applicable to all others subject to them, although both he and you seem to entertain a different opinion. Neither, sir, have I learned whether any discrimination should be made favorable or adverse to "newspaper publications." I shall therefore leave that question to be determined by your own judgment as an *expert*, and by your practical experience on one memorable occasion, early in your former editorial career.

I shall not follow you, either, in your exposition, by way of *set-off*, it would seem, of the merits, services and sacrifices of Bishop Doane, or inquire into the pecuniary benefits resulting to himself directly in the shape of salary, perquisites and profits, or indirectly, and consequently to the Church, from his schools. I must be permitted, however, to suggest that the increase and prosperity of the Church in this



Diocese during the seventeen years of his incumbency, may have been in some measure owing to the increase of population and wealth during that period; to the influence of its liturgy and services upon those of other denominations of Christians, who have witnessed the administration of its ordinances, and, above all, to that Heavenly aid vouchsafed to the Church by its Divine Founder, who promised to be with it "always, even unto the end of the world." That aid, we cannot suppose, would have been withheld from any Bishop of spiritual disposition, pure life and conversation, and evangelical character, though humbler in his aspirations, less ambitious of distinction, though not of usefulness, and less versed in the management of men and secular affairs, than Bishop Doane. Nor in that case can we doubt that our Church would have been blessed with an increase—if not numerically greater, yet of members at least as sincere in their attachment to the vital principles of the Gospel—and of heartfelt devotion to the Great Head of the Church Catholic, and his word, equal to the external reverence of others to the ordinances of man.

But after all, what would this evidence to the character of Bishop Doane avail in exculpation of the offenses imputed to him, were the rumors in question ripened into charges, and sustained by testimony at his trial? Have never men in high stations, and previously unblemished reputations, been guilty of crimes? Was not the Earl of Ferrers of as fair a character, and as elevated in social position as Bishop Doane? Or was Dr. Dodd less esteemed as a man—or approved as a clergyman—when his embarrassments, of the same nature as the Bishop's, tempted him to commit the forgery for which he was executed? No, sir; this plea is irrelevant to the case. Character is only admitted to rebut the *presumption* of guilt, not the *proof* of it. But it may afford you, and more especially your friend, some consolation to know that it often serves to mitigate the punishment.

The next plea you interpose savors of the statute of limitations, or of an *estoppel*. You say truly that "two subsequent Conventions have met and dissolved without any word of censure, express or implied, of their Bishop;" but not without its being "ever alleged," as you had previously asserted, "that any offense, real or imaginary, had been committed by him since that time." This was indeed the case at the Convention of 1850. Not so, however, in 1851. A memorial, verified by the oath of Michael Hays, the petitioner, charging the Bishop with misrepresentation, deceit and fraud, in obtaining the

indorsement of Hays upon his notes, which the petitioner had eventually to pay, was about to be presented to the Convention, and was only prevented by its unprecedented adjournment upon the first day of its session. It is well known that the greater part of the business of that body, and all calculated to provoke discussion, is deferred to the second day of the session. Some matters indeed—such, for instance, as the annual report of the Treasurer—is, by a standing order, reserved for that day. But on this occasion, after some mysterious whispering in and around the Chancel, and considerable bustle throughout the Church, the word was passed, and a motion made, in the afternoon of the first day, for an immediate adjournment, *sine die*. This motion was received with surprise by those not in the secret, and they opposed it, not only on the ground of its repugnancy to the order relating to the Treasurer's report, but also in respect to the religious service appointed for the evening in furtherance of the interests of the Church and its institutions. After some desultory conversation on these subjects, it was stated by a member who opposed the adjournment, that if the Treasurer was ready to present his report at that time, the objection would be withdrawn; to which that officer replied, that he was neither ready with his report then, nor would he be the next day. After some further expressions of surprise at the precipitancy of a measure of which the cause was not generally understood, and the sudden and mysterious introduction of which had excited suspicion, as well as astonishment, the Convention adjourned.

Early the next morning Mr. Hays arrived, and his petition was in the hands of a member to be presented to the Convention, had they met as usual on that day. Now, whether or not, the breaking up of the Convention in such hot haste, was in consequence of some communication to the Bishop, or any vigilant friend of his, respecting Mr. Hays's petition—and was or was not intended to prevent its appearance—still this unforeseen maneuver accounts for its not having been presented at that session. But is there any breach of probability or charity, in suspecting that this extraordinary *Hegira* might have been prompted by a wish to avoid that inquiry, which the Bishop and his partizans have so frequently professed their readiness to meet, and have nevertheless as often contrived to elude? And he e sir, I cannot forbear expressing my opinion that the aspect of affairs in this Diocese would have been very different from what it is at present, and much more favorable both to the Church and the Bishop, had not you and your coadjutors prevented the inquiry moved for in 1849. Had it

then been fairly met—either the innocence of the Bishop would have been rendered apparent, or his past conduct so far palliated by the acknowledgments of his errors, as to insure his forgiveness, while this salutary check might have arrested him in his ruinous career; or, on the other hand, his guilt would have been established beyond doubt or cavil. In either case, the peace of the Diocese might have been restored, and you, sir, saved from compromising your respectability, by “intervening” in the affairs of a Diocese to which you had ceased to belong. And you would have avoided the heavy responsibility which rests mainly upon you, for preventing the restoration to it of confidence and harmony; for it was chiefly owing to the lead you took in stifling the inquiry, that it was defeated.

Having thus shown your mistake,—as I am fain to consider it,—and the misstatements of others in regard to the sufficiency of public rumor to warrant an inquiry into the conduct of a Bishop, I now proceed to the performance of a more painful task—the consideration of your own conduct towards the “three Bishops”—whom you accuse of “having in their hearts distilled and concentrated malice, such as is exhibited in their letter,” which you stigmatize as “the voice that poisons while it beguiles, the Pharasaic hypocrisy which salutes its victim with ‘art thou in health, brother?’—at the moment of aiming the knife at his heart.” Besides this overwhelming vituperation upon the three collectively, you pour upon the head of Bishop Melvaine a separate torrent from the phials of your wrath as if anxious to exhaust the reservoir hitherto resorted to only by the amphibious race that crowds the wharves and markets of your city. I must confess, sir, I am at a loss to determine whether your use of such language would excite most, indignation or grief, in one who had cherished you as a friend. Is this vocabulary, then, so familiar to one who values or affects the character of an educated Christian gentleman, and should especially illustrate it in his official position? Are such the lessons in rhetoric, and logical exercises given in Columbia College? Had those venerable fathers of the Church merited the “railing accusations” you have brought against them, you would not have been justified, even to yourself, in the use of such language, though it were in self-defense; much less are you excusable for descending to it in defense of another who has shown himself abundantly able to defend himself with the same weapons. You may have been seduced by his example, or betrayed into it by proneness to venture

more for others than for yourself; but you will hardly resort to such an apology, and your best friends would think it insufficient.

And what have these truly reverend men—upon whom you seem bent to confer martyrdom—done, to provoke this unmeasured abuse? They ventured to address a letter to Bishop Doane informing him that they had received a communication from certain members of his Church, calling upon them to perform the painful duty of inquiring into the truth of reports in relation to him, which had been in circulation for some years past, in order to determine as to the propriety of instituting a trial according to a canon of the General Convention. From the character and number of the charges specified in the documents presented to them, they say they did not feel themselves at liberty to decline the call thus made upon them, unless the object of it could be attained in some other way, satisfactory to the reasonable demands of complainants in his own Diocese, and the Church at large. To relieve themselves from a distressing duty, they appeal to him in the hope that he would take prompt and effectual measures to render any further action on their part unnecessary, and, with this view, they “*advise and urge*” him to call a special Convention of his Diocese, for the purpose of a full investigation of all that had been, or might be laid to his charge. They then earnestly endeavor to impress it upon his mind, that, from the nature of those charges, and of similar reports long in circulation against him, nothing would satisfy others, or relieve himself from suspicion, but the appointment by the Convention of an impartial and intelligent Committee with instructions to make the fullest investigation of these evil reports. They felt bound, however, to say, that no mere report of a Committee declaring a belief of his innocency would suffice; and were persuaded that nothing but such an investigation as they had described and *recommended*, could satisfy either those whom he might deem unfriendly to him, or relieve the minds of many anxious and distressed friends. And, in conclusion, they observe that if such a course as they had pointed out should be pursued, and either a presentment made, or sufficient reasons assigned to the contrary, they would be rejoiced to be relieved from the most trying duty that could possibly be laid upon them.

Now what is there in this, to call forth the bitter expressions of your wrath and indignation, or the more venomous and vulgar abuse of your friend—against this “triumvirate of tyrants,” these “potential Popes”—as he calls them, in one breath, and in the next “freely

forgives for thus aggrieving" him; and whose forgiveness he beseeches in return? These venerable "triumvirs" need no defense from me, nor do I believe that they will condescend so far as to notice your liberal aspersions, or the impotent and puerile ribaldry of their "humble and affectionate" brother. But I ask, again, where is the "dictation" of which he so loudly and dolefully complains? It is not found in the letter, and exists only in his own distempered imagination, or, as a spectre raised by the cunning of his magic, to fright his lieges in and out of the Convention, from their propriety—

" Making night hideous ; and those fools of nature  
So horribly to shake their dispositions."

Had the "triumviral papacy of Virginia, Maine and Ohio," instead of addressing this letter to the "independent" Diocesan of New Jersey, immediately presented him, where would that pugnacious Prelate and his conclave have found words to express their pious indignation? The original Greek of St. Peter's Epistle, from which he borrowed the appellative introduced into his Protest, would have furnished none adequate to such a purpose; and, unless you had spared him one from your vocabulary, he must have sought it in the "clouds" of Aristophanes, among those Ἐπεα πτερόεντα which glanced from the panoply of the Athenian Sage, and fell harmless at his feet.

Against this letter, so fatal to the repose of Bishop Doane, you re-echo his fulminations—proclaiming your "indignation against" it, as a "cruel, unjust, unmanly and unchristian proceeding," and pronounce your friend's "Reply" to the charges it transmitted, to be "most conclusive." I doubt, nevertheless, that this indorsement, or any other you may have made for the Bishop, will benefit him so much as it will injure you.

Since your last "newspaper publication," the special Convention of New Jersey has met and adjourned. And although the issue of their labors was not difficult of anticipation, yet a determination to await it, has hitherto delayed this letter. They have done precisely what was expected, and have registered the decree of their Bishop against his brethren, as implicitly as was once the custom of the French Parliaments, when their monarch summoned them to a "bed of justice." They have in effect, though not in terms, confirmed his sentence of condemnation against the obnoxious "triumvirate," and superadded their indorsement of the character of Bishop Doane, to yours. Whether it will revive his credit, remains to be seen; but I think it altogether probable it will extend the circulation of his name.



This Convention, you know, was called neither for the object, nor in pursuance of the recommendation of the three Bishops; but was summoned in defiance of them, by Bishop Doane, to denounce their interference with him; and faithfully have they performed the service allotted to them. Not content with your tilt in advance, you left your official post, and entered the lists at Burlington as a *lobby member* of the Special Convention, and the champion of the Bishop; as now, a silent coadjutor, you must have thought to have benefitted him, merely by the effulgence of your countenance. Had you been permitted to speak, you would have been answered on the spot. But your *literæ scriptæ manent* and with your intrusion on that occasion, have provoked this reply. The crisis must have been felt to be important, as it induced Mr. Justice Ogden to descend from the Bench and appear as the Bishop's advocate; and Mr. Senator Miller to abandon, for the time, his seat in Congress, to defend him and assail those whom he chose to represent as persecutors. Another honorable gentleman, Mr. ex-Justice Carpenter, was selected as the mover of the first of a series of resolutions, reported by a committee of sympathizers, approving of the Bishop's course, and declaring the "official action of the Bishops of Virginia, Maine and Ohio," unwarranted by any canon, law or usage of the Church. He supported his motion by a speech, in which he accused the three Bishops of assuming the guilt of Bishop Doane, and making that assumption the basis of their action. "This idea of *prima facie* guilt," he contended, "pervaded the whole letter, and determined its character." Upon this point, I apprehend, the opinion of this honorable gentleman, as a Judge, would be found to differ somewhat from his opinion as an advocate. Neither he nor any other Judge of ordinary learning and integrity would ever have ruled that the petition and affidavit of Michael Hays did not afford such evidence as, if delivered orally to a Grand Jury, would have compelled them, if they regarded their own oaths, to find a bill of indictment against Bishop Doane. There is indeed good reason to believe that some fear was formerly entertained that such would have been the case; but Mr. Hays was the more easily dissuaded from making the complaint, as both he and his advisers preferred procuring the degradation of the Bishop from his office by an ecclesiastical tribunal, to subjecting him to punishment in a secular Court.

The other resolutions were declaratory of the confidence of the Convention in the uprightness and purity of the Bishop; and after premising that he had avowed his willingness to meet any investigation,

and that the Convention had been ever ready to make it, concluded nevertheless that the best interests of the church at large required no such proceeding; and this resolution was concurred in by some of the very men who, with you, pledged themselves in 1849, "that if charges specifying with reasonable precision the offenses imputed by rumor, or any offense cognizable by the Convention, should be presented against the Bishop, they would oppose no obstacle to the receiving, referring, and investigating such charges." The last of these resolutions is plainly at variance with a clause in the Constitution of the Church in New Jersey, which confines the deliberations of a Special Convention to the subject it was called to consider. This objection was urged by the Rev. Mr. Starr, and a motion was made by Mr. Gifford to postpone the consideration of the whole of the resolutions until the regular meeting of the Convention in May next. This was strenuously opposed by Mr. Miller, who was for prompt action, and reiterated the stereotyped complaint of "dictation." Judge Ogden said little or nothing on this subject. He probably did not wish to commit himself by denying the correctness of Mr. Starr's objection. He was adroit as usual at special pleading and raising difficulties on technical grounds, especially as to the admission of a protest, to which I shall presently refer. Upon the whole, however, he was moderate and conciliatory in his language, though staunch as ever in support of the Bishop, by his votes.

The most remarkable and portentous speech of the session was that of the Rev. Mr. Rankin, of Morristown, who advocated the first resolution especially, as it "maintained the *independence* of the Diocese of New Jersey." He considered "the principle of Diocesan independence as a fundamental principle of the Church;" in support of which position, this learned pundit cited "the cases of Timothy at Ephesus, Titus at Crete, and Epaphroditus at Philippi; the apostolic canons adopted in the second century, and those of the Councils of Nice, Arles, Sardica, Constantinople and Ephesus; besides those of the Anglo-Saxon Church, of the Synod of Hertford." After this dive into the dark ages for light to guide the present, he caught, in rising, at "the constitution and canons of our own Church," which, he asserted, "adopted and maintained this principle," and concluded by declaring, as if *ex-Cathedra Episcopi*, that "the action of the three Bishops was against all these precedents and canons." In his support of this "principle," the Rev. gentleman in effect avowed himself a *secessionist* from the General Convention, and a *nullifier* of the jurisdiction of the

House of Bishops. But in his search through the records of antiquity he failed, it seems, to discover that the Donatists of old, who held this doctrine, were pronounced schismatics by the Councils of Arles, Milan and Carthage; and he appears unconscious that the *Doanetists* of New Jersey are exposing themselves to the same sentence.

It is due to the Rev. Messrs. Thompson, of Paterson, and Boggs, of Swedesborough, to mention that they had the courage to object to the last clause of this first resolution, as passing judgment and condemnation upon the three Bishops. The last named gentleman moved to strike it out, and substitute a *protest* against their conduct; but this amendment was rejected, and the resolutions, as reported, adopted by a large majority of both orders.

In an interval of the proceedings, Mr. Rutherfrud, of Jersey City, read and tendered a protest, signed by himself and others, against the proposed acts of the Bishop and the Convention denouncing the conduct of the three Bishops. But its reception was objected to by Judge Ogden as out of order *at that time*. After all other business was finished, Mr. Rutherford again offered it for insertion in the journal, and Judge Ogden again objected. Some order was then made for printing the journal, the *gloria in excelsis* was sung, and the convention adjourned.

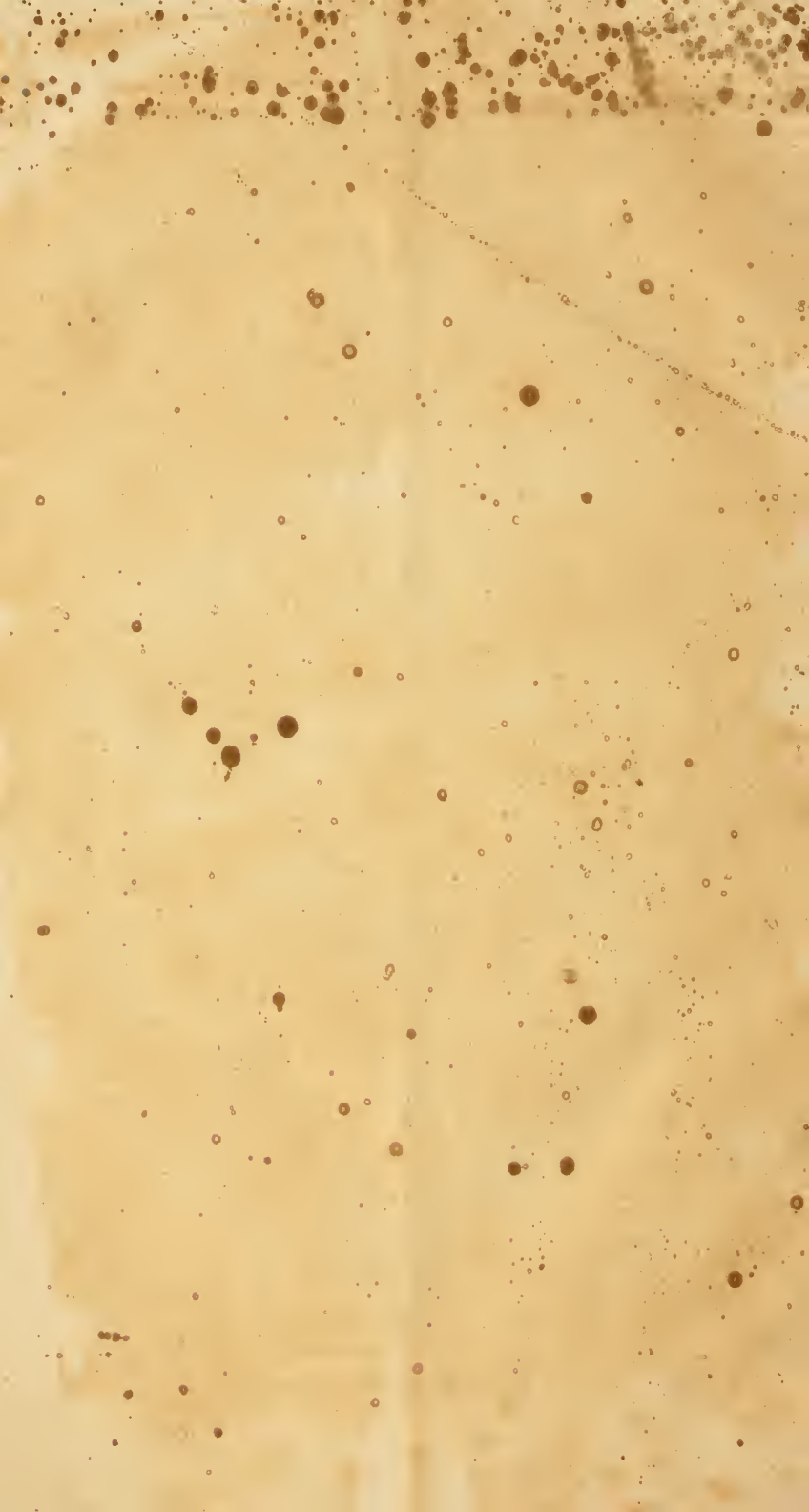
Thus ended this solemn mockery, and thus a portion of the season set apart by the Church for penitence, self-denial, meditation and prayer, was passed by the Bishop and Convention of New Jersey. Henceforth, perhaps, the *Burlington Lent* will be classed with the Sicilian vespers, and the matins of St. Bartholemew. But the matter ends not here. This was but "the beginning of the end." Bishop Doane will yet be presented and tried, unless indeed he prove contumacious or recusant, and supported by a servile Convention, repudiates the Constitution and Canons of the General Convention, defies the authority of the House of Bishops, denies the power of three of his brethren to present him, and the jurisdiction of the rest to try him. Should it come to this, Sir, I cannot believe you would still adhere to him, or that any arts or blandishments, any influence, foreign or domestic, would induce you to defend him; but that you would then, if not sooner, regret your late attempt to interpose your shield for his



protection, and point your lance at the hearts of his accusers, as derogatory to the conspicuous post you occupy, and the venerated name you bear.

A LAY MEMBER OF THE CONVENTION.

MARCH 26th, 1852.





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A letter addressed to Charles King,

Princeton Theological Seminary-Speer Library



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